



ORIGINAL

FILED

JUL 11 2014

LB

United States Bankruptcy Court
San Jose, California

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA**

In re

) Case No. 14-52454 SLJ

) Chapter 13

TERRACE ELLIS,

) **MOTION FOR ORDER TO CONTINUE
AUTOMATIC STAY**

)
Debtor.

The Debtor hereby moves this Court, pursuant to section 362(c)(3)(B), for an order continuing the automatic stay provided under section 362(a) as to all creditors. In support of this motion, the Debtor states as follows:

1. This motion to continue the automatic stay is required pursuant to 11 U.S.C. §105 because during the one-year period prior to the filing of this petition, Debtor filed a previous Chapter 7 case that was dismissed by this Court for Debtor's failure to submit all required Schedules.
2. Debtor was employed by an under-funded non-profit from April 2012 to February 2013 when it found itself without sufficient funds to pay its employees and subsequently ended Debtor's employment in February 2013.
3. Debtor filed a voluntary Chapter 7 Bankruptcy (Case #14-51498 SLJ 7), pro se, on April 7, 2014 in an effort to discharge debt and obtain a "fresh start". Debtor had no employment, had no prospects for employment, her residence was in foreclosure and a judgment had been entered against her by California's Superior Court for outstanding debt.
4. After filing the Chapter 7 case, Debtor completed some but not all required Schedules by the deadline. At the time the remaining Schedules were due she was in consideration for a potential employment opportunity.
5. The Chapter 7 case was dismissed on May 22, 2014 due to Debtor's incomplete

submission of required Schedules.

6. Debtor allowed the Chapter 7 bankruptcy to be dismissed upon advice from an attorney when she learned that potential employment was imminent and that a Chapter 13 bankruptcy filing would be more appropriate given her changing situation.

7. After securing regular employment, Debtor elected to promptly file a Chapter 13 bankruptcy on June 6, 2014. As Debtor's financial situation has changed significantly, the Chapter 13 filing is now a viable option. Debtor's considerable salary will enable her to begin making payments under the re-payment plan, submitted to this Court on July 7, 2014.

8. The date set for the meeting of creditors under 11 U.S.C. § 341(a) is July 21, 2014

9. The petition in this case has been filed in good faith. The Debtor believes that the Chapter 13 plan she has submitted will be confirmed and that she will be able to fully perform under the terms of the plan.

10. The Debtor's prior Chapter 7 case, dismissed on May 22, 2014, was the only previous case by the Debtor that was pending during the preceding year.

11. No creditor in this case has filed a motion seeking relief from the automatic stay.

12. As evidence in support of this motion, Movant requests that the court consider as admissions the statements made by Debtor under penalty of perjury concerning Movant's assertions set forth in Debtor's Repayment Plan, attached as Exhibit A.

WHEREFORE, the Debtor requests that this Court continue the automatic stay under section 362(a) as to all creditors for the duration of this Chapter 13 proceeding, or until such time as the stay is terminated under section 362(c)(1) or (c)(2), or a motion for relief is granted under section 362(d).

RESPECTFULLY SUBMITTED,

DATED: July 11, 2014

By:  Terrace Ellis